

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Anthony Barone; Nicholas A. Sarnelli,

Plaintiffs

v.

Clark County Nevada, et al.,

Defendants

Case No. 2:24-cv-00130-JAD-BNW

**Order Adopting Report and
Recommendation**

ECF Nos. 3, 7

Pro se plaintiff Anthony Barone filed this civil-rights lawsuit on behalf of himself and Nicholas Sarnelli, alleging that their constitutional rights were violated during guardianship proceedings in state court.¹ Because Barone is proceeding *in forma pauperis*, his complaint was screened by the magistrate judge, who recommends that all claims be dismissed—most with, but others without, prejudice—because the law does not permit a non-lawyer like Barone to represent the legal interests of Sarnelli and bring claims on his behalf, and the remaining claims fail for numerous reasons.² The net result is that Barone was given until today to file an amended complaint to better plead only his claims against Nevada Guardianship Services, LLC, the Nevada Commission on Judicial Discipline, Judge Linda Marquis, and Michael Kostrinsky.

Barone objects, and he asks this court to wait until it has the chance to consider the new allegations in his amended complaint before deciding whether to accept the magistrate judge's recommendation.³ Primarily, he states that he intends to contact the U.S. Attorney's Office and

¹ ECF No. 1-1.

² ECF No. 3.

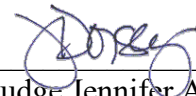
³ ECF No. 7.

1 request “that they represent” or intervene on Sarnelli’s behalf. But whether or not Barone can
2 find an attorney to pursue Sarnelli’s claims, and even if Barone’s amended complaint cures any
3 defects in his original claims, the magistrate judge’s recommendation to dismiss Barone’s
4 original complaint was sound, so I adopt it. The time for considering the sufficiency of Barone’s
5 new allegations will be during the screening of his amended complaint, and if Barone can find an
6 attorney to represent Sarnelli, the proper course of action will be to file a motion for leave to
7 amend to add Sarnelli as an additional plaintiff.

8 IT IS THEREFORE ORDERED that the magistrate judge’s report and recommendation
9 **[ECF No. 3] is ADOPTED** in its entirety, Barone’s objection **[ECF No. 6] is OVERRULED**,
10 and the motion to extend time **[ECF No. 7] is DENIED. All claims on behalf of Nicholas**
11 **Sarnelli are dismissed without prejudice but without leave to amend at this time. Plaintiff**
12 **Anthony Barone’s claims against Aaron Ford, Legal Aid, Sonja Jones, the VA, and Jane**
13 **and John Does are dismissed with prejudice and without leave to amend. His claims**
14 **against Linda Marquis, Michael Kostrinsky, Nevada Guardianship Services, LLC, and the**
15 **individuals comprising the Nevada Commission on Judicial Discipline are dismissed**
16 **without prejudice and with limited leave to amend as explained in the report and**
17 **recommendation [ECF No. 3].**

18 IT IS FURTHER ORDERED that **plaintiff’s amended complaint [ECF No. 9] is**
19 **referred to the magistrate judge for screening in due course.** Plaintiff is advised that
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1 screening may take several months. He should continue with his efforts to obtain an attorney to
2 represent Nicholas Sarnelli while he awaits screening.

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U.S. District Judge Jennifer A. Dorsey
October 7, 2024